

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Robert Daniel Steedley,) Civil Action No. 6:10-363-RBH-KFM
Plaintiff,)
vs.)
Willie Bamberg, et al.,)
Defendants.)

)

REPORT OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On June 15, 2010, the defendants filed a motion for summary judgment. On June 16, 2010, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. When the plaintiff failed to respond, a second order was mailed to the plaintiff's last known address (OCRDC, P.O. Box 9000, Orangeburg, SC 29116) giving him an additional opportunity to file his response. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at OCRDC.

The record reveals that the plaintiff was advised by order dated February 22, 2010, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/Kevin F. McDonald
United States Magistrate Judge

August 3, 2010

Greenville, South Carolina